

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JULIAN SELPH,

Petitioner,

v.

No. 22-cv-240 JCH-KBM

GEORGE STEPHENSON,¹
ATTORNEY GENERAL OF
THE STATE OF NEW MEXICO,

Respondents.

ORDER DIRECTING AMENDMENT

This matter is before the Court on Julian Selph’s Habeas Corpus Petition Under 28 U.S.C. § 2254 (Doc. 1) (Petition). Selph seeks relief from his state convictions for, inter alia, criminal sexual penetration of a child under 13. The Petition appears timely, based on the date Selph placed it in the prison mail system; he alleges he exhausted state remedies; and the arguments warrant a full review of the state record. This case would normally survive initial screening, but the Court cannot order an answer to the current pleadings. The Petition does not contain a short, plain statement of the grounds for relief, as required by Fed. R. Civ. P. 8(a). It also fails to “substantially follow ... the form” § 2254 petition, as required by Habeas Corpus Rule 2(d). The Petition consists of 266 pages. Over 200 pages contain a lengthy written narrative describing the history of the criminal proceeding, with habeas arguments interspersed throughout the case history.

It is not the role of the Court to “sort through a lengthy ... [pleading] and voluminous exhibits ... to construct plaintiff’s causes of action.” *McNamara v. Brauchler*, 570 Fed. App’x

¹ Petitioner is incarcerated at the Lea County Correctional Facility (LCCF) in Hobbs, New Mexico. See Doc. 4. George Stephenson, Warden of LCCF, is substituted in place of the Eleventh Judicial District Court as a party respondent. See Habeas Corpus Rule 2(a).

741, 743 (10th Cir. 2014) (citations omitted). The Court will therefore order Selph to file a single, amended petition limited to thirty-five (35) pages by November 21, 2022. When drafting his amendment, Selph should include a brief description of each claim (*e.g.*, “ineffective assistance by trial counsel” or “erroneous admission of testimony by Jane Doe”) in the sections of the § 2254 petition titled “Ground One,” “Ground Two,” etc. If Selph must use additional pages, they should follow the same general format as the form petition (*i.e.*, he should number each ground for relief and include a brief description of the alleged wrongdoing under the header). Selph need not include lengthy arguments; his counseled appellate briefs will be part of the record if he complies with this Order. Respondents must provide the state record in a *pro se* habeas proceeding, and Selph may request additional records if Respondents’ filings are incomplete.

If Selph fails to timely file an amended § 2254 petition that complies with Rule 8(a) and this Order, the Court will dismiss this action without further notice. The Clerk’s Office will mail Selph another copy of the § 2254 form to use when drafting the amendment.

IT IS ORDERED that by November 21, 2022, Selph shall file an amended § 2254 petition that is limited to 35 pages and is consistent with the above instructions.

IT IS FURTHER ORDERED that the Clerk’s Office shall **MAIL** Selph a blank § 2254 form.


UNITED STATES MAGISTRATE JUDGE